

JNB

Jonathan Neal Blitz

November 21, 2001

The Honorable J. Frederick Motz
United States District Court
101 W. Lombard Street
Baltimore, MD 21201

Re: Microsoft Litigation

Dear Judge Motz:

I am writing as a citizen and consumer to urge you to reject the proposed settlement of the antitrust class actions pending against Microsoft. The settlement, as I understand it, is centered around the formation of a charitable foundation designed to distribute computer hardware and Microsoft software to impoverished schools. This settlement fails to remedy the defendant's unlawful conduct, and allows the class attorneys to leave the action prematurely.

The class action is a mechanism for the redress of unlawful conduct by the defendant against a group of similarly situated plaintiffs whose claims are not large enough to justify individual actions. Any remedy to such unlawful conduct should directly and proportionately relate to the defendant's actions. Antitrust laws designed to protect the market and competition (and thereby consumer welfare) are poorly served by remedies that have no direct relationship to the unlawful conduct, and as such, do little to restore competitive pressures to the marketplace as a whole.

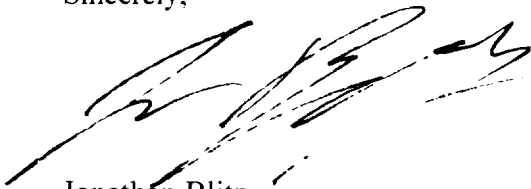
Here, the proposed settlement is not even remotely related to the redress of the defendant's unlawful conduct or the loss of consumer welfare caused thereby. The humanitarian nature of the proposed settlement is appealing. However, the federal courts have a strong

interest in ensuring that once a class is certified, the ultimate resolution of their case serves the policy interests for which their cause of action was created.

This proposed settlement allows the plaintiff's attorneys to walk away from the class, now that they are likely to be deprived of the preclusive effect of other criminal or civil judgments against Microsoft, while still collecting fees. Simultaneously, Microsoft is able to minimize its financial exposure, escape future preclusion, increase its market share in the education market, and get some good P.R. to boot. Most importantly, the proposed settlement does nothing to restore competitive pressures to the software market, or to provide redress to the class members who lost the opportunity to use their money to increase their own welfare.

I urge you to force the class attorneys to finish what they started, and to protect the class action mechanism from exploitation. Thank you for taking the time to consider my thoughts.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jonathan Blitz', with a stylized, cursive script.

Jonathan Blitz